



March 8, 2022

To the Honorable Council  
City of Norfolk, Virginia

**Item Number: C-1**

Re: Tax Overpayment  
Piedmont Hawthorne Aviation, L.L.C.

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to Piedmont Hawthorne Aviation, L.L.C. in the amount of \$16,704.96 plus interest based upon the overpayment of its 2021 Business License Tax, resulting in a refund due of \$16,704.96, plus interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "BAPishko", is written over a light blue horizontal line.

Bernard A. Pishko  
City Attorney

BAP:sb  
Attachment

**Supporting Material:**

- Certificate (PDF)
- Interest Calculations (PDF)
- Refund Request Summary (PDF)

Form and Correctness Approved:

*BAP*

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose

By: \_\_\_\_\_

Office of the City Attorney

Contents Approved:

By: \_\_\_\_\_

Commissioner of Revenue



Shenette Felton, Director of Finance

NORFOLK, VIRGINIA

## Ordinance No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO  
ISSUE A REFUND TO PIEDMONT HAWTHORNE  
AVIATION, L.L.C. BASED UPON THE OVERPAYMENT  
OF ITS BUSINESS LICENSE TAX FOR TAX YEAR  
2021.

- - -

WHEREAS, the Commissioner of the Revenue has  
determined that the 2021 business license tax was overpaid by  
Piedmont Hawthorne Aviation, L.L.C. and has corrected this  
assessment in accordance with Virginia Code §58.1-3710; and

WHEREAS, the Commissioner of the Revenue has certified  
with the consent of the City Attorney that the aforementioned  
taxpayer paid all taxes due and is entitled to a refund of  
business license tax paid in the amount of \$16,704.96, plus  
interest pursuant to Virginia Code §58.1-3710; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That \$16,704.96, plus interest at the  
rate established by applicable law, is hereby  
appropriated for a refund to Piedmont Hawthorne

Aviation, L.L.C. for overpayment of its 2021 business license tax.

Section 2:- That the Treasurer of the City of Norfolk is hereby directed to issue a refund to Piedmont Hawthorne Aviation, L.L.C. in the amount specified above as soon as practicable upon passage of this ordinance.

Section 3:- That this ordinance shall be in effect from and after its adoption.

CERTIFICATION OF FUNDING

Refund Account No.:	<u>1000 104 010 4101 01</u>	Amount:	<u>\$16,704.96</u>
Interest Account No.:	<u>1000 104 010 4101 03</u>	Amount:	<u>\$1,002.30</u>

Norfolk Commissioner of the Revenue  
Certification and Request for the Refund  
Of Previously Paid Tax to:

Piedmont Hawthorne Aviation LLC

February 7, 2022

**Overview:**

The business closed on April 30, 2021, and is requesting a refund on the unused balance of its business license.

In compliance with **Norfolk Code § 24-7**, the Commissioner of the Revenue's files about this request are available for inspection by the City Attorney.

**Fiscal Impact:**

This refund reduces business license tax revenue by **\$16,704.96** for the 2022 fiscal year.

**Conclusion:**

It is recommended that the City Attorney consent to the issue of the refund and call for the City Council to direct the City Treasurer to refund the business license overpayment of \$16,704.96

**Certification**

I, **Blythe A. Scott**, Commissioner of the Revenue for the City of Norfolk, certify that the above-named company is due a refund of \$16,704.96 as specified by **Virginia Code §58.1-3710** due to the overpayment of **Business License Taxes**.

  
\_\_\_\_\_  
Blythe A. Scott, Commissioner of the Revenue

2.9.22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bernard Pishko, City Attorney

2/11/22  
\_\_\_\_\_  
Date

CITY ATTORNEY-COPY

Attachment: Certificate (Piedmont Hawthorne Aviation, L.L.C.)

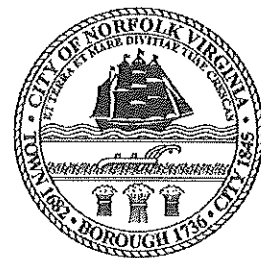
**Piedmont Hawthorne Aviation LLC - Account 92547**

Interest is calculated at 6% per annum or .05% per month.

Year	Overpayment Amount	Number of Months	Rate equals	Interest Refund
2018	\$0.00	0	0.00%	\$0.00
2019	\$0.00	0	0.00%	\$0.00
2020	\$0.00	0	0.00%	\$0.00
2021	\$16,704.96	12	6.00%	\$1,002.30
	<u>\$16,704.96</u>			<u>\$1,002.30</u>
<b>Total Combined Refund:</b>		<u><u>\$17,707.26</u></u>		



**BLYTHE A. SCOTT**  
COMMISSIONER OF THE REVENUE  
P.O. BOX 2260 NORFOLK, VIRGINIA 23501-2260



**Re: Summary of Refund Request**

Business Name: **Piedmont Hawthorne Aviation LLC**  
Tax Type: **Business License**

The business closed on April 30, 2021 and is requesting a refund on the unused balance of its 2021 business license.

**Prorated License:**

§ 58.1-3710. Proration of license taxes.

A. Notwithstanding any other provision of law, general or special, and regardless of the basis or method of measurement or computation, no county, city or town shall impose a license tax based on gross receipts on a business, trade, profession, occupation or calling, or upon a person, firm or corporation for any fraction of a year during which such person, firm or corporation has permanently ceased to engage in such business, trade, profession, occupation or calling within the county, city or town. In the event a person, firm or corporation ceases to engage in a business, trade, profession or calling within a county, city or town during a year for which a license tax based on gross receipts has already been paid, the taxpayer shall be entitled upon application to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the county, city or town. The county, city or town may elect to remit any refunds in the ensuing fiscal year and may offset against such refund any amount of past-due taxes owed by the same taxpayer. In no event shall a county, city or town be required to refund any part of a flat fee or minimum flat tax.

**Calculation:**

$$\begin{aligned} &(\text{Total Taxes Paid}) / 12 \text{ months} = \text{Total due/month} \\ &(\text{Total due/month}) * (\text{Total Number of months in business}) = \text{Total Owed to City} \\ &(\text{Total Taxes Paid}) - (\text{Total Due to City}) = \text{Refunded Amount} \end{aligned}$$

The proration request was calculated based on four (4) months of operation in the City of Norfolk. Based on the calculation above, the total refund amount due to the taxpayer:  
**\$16,704.96**

**CITY ATTORNEY - COPY**